



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/751,126

12/28/2000

Maura A. Fitzgerald

FDC 0124 PUS

7027

7590 10/04/2007
Mark E. Stuenkel
Brooks & Kushman P.C.
1000 Town Center, Twenty-Second Floor
Southfield, MI 48075

EXAMINER

AKINTOLA, OLABODE

ART UNIT	PAPER NUMBER
----------	--------------

3691

MAIL DATE	DELIVERY MODE
-----------	---------------

10/04/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/751,126

Applicant(s)

FITZGERALD ET AL.

Examiner

Olabode Akintola

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 and 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Templeton et al (US 5679938) (“Templeton”).

Re claim 1: Templeton teaches a method and corresponding system for processing a previously issued negotiable instrument, the method comprising: entering at least one negotiable instrument identifier into a terminal (col. 12, lines 18-20); transmitting the at least one negotiable instrument identifier from the terminal to a host computer (col. 12, lines 23-27); receiving, at the terminal, a sign from the host computer, wherein the sign indicates an authorization status of the negotiable instrument (col. 12, lines 2-6); and automatically printing a mark on a document using a printer in communication with the terminal, wherein the mark corresponds with the sign so as to indicate the authorization status of the negotiable instrument (col. 14, lines 55-63).

Re claim 2: Templeton teaches wherein the step of automatically printing a mark on a document comprises automatically printing the sign on the document (col. 14, lines 55-63).

Re claim 3: Templeton teaches wherein the mark indicates that the negotiable instrument is

authorized for encashment (col. 14, lines 55-63).

Re claim 4: Templeton teaches wherein the mark indicates that the negotiable instrument is not authorized for encashment (col. 14, lines 55-63).

Re claim 5: Templeton teaches wherein the step of automatically printing a mark on a document comprises automatically printing the mark on the negotiable instrument (col. 14, lines 55-63).

Re claim 6: Templeton teaches wherein the step of automatically printing a mark on a document comprises automatically printing an authorization number on the document (col. 14, lines 55-63).

Re claim 8: Templeton teaches wherein the step of entering at least one negotiable instrument identifier comprises entering a serial number of the negotiable instrument (col. 12, lines 9-18).

Re claim 9: Templeton teaches wherein the step of entering at least one negotiable instrument identifier comprises entering an amount of the negotiable instrument (col. 12, lines 18-20).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3691

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over unpatentable over Templeton.

Re claim 7: Templeton does not explicitly teach wherein the step of automatically printing a mark on a document comprises automatically printing a bar code on the document. However, Templeton teaches printing an approval code on the document (col. 14, lines 55-63). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Templeton to include bar code as a form of approval code. One would have been motivated to do so as a matter of convenience because bar codes can be easily read using bar code reader.

Claims 10-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over unpatentable over Templeton in view of Gustin et al. (US 5897625) ("Gustin")

Art Unit: 3691

Re claims 10-11: Templeton does not explicitly teach wherein the negotiable instrument is a money order or a gift certificate. Gustin teaches automated document cashing system.

Specifically Gustin teaches encashment of negotiable instruments including money order after a confirmation is received from a banking network (abstract, col. 17, lines 38 through col. 18, lines 22, Figs. 17A-B). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Templeton to include encashment of document (negotiable instrument) as taught by Gustin. One would have been motivated to do so in order to provide easy cash access to holders of such instrument and by ensuring the authenticity of such instruments.

Re claim 12: See claims 1 and 10 analyses supra.

Re claim 13: See claims 1 and 10 analyses supra.

Re claim 14: See claim 2 analysis supra.

Re claim 15: See claim 5 analysis supra.

Re claims 16 and 19: Templeton does not explicitly teach the use of optical reader or bar code for reading the at least one negotiable instrument identifier from the negotiable instrument.

Official notice is hereby taken that optical readers and bar code readers are old and well known

Art Unit: 3691

in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Templeton to include optical reader or bar code reader for reading the identifiers. One would have been motivated to do so in order to ensure that the identifiers characters are better recognized thereby reducing or eliminating errors (optical reader); and bar code reader provides a convenient way of reading bar codes.

Re claim 17: Templeton teaches wherein the terminal further comprises a magnetic ink reader for reading the at least one negotiable instrument identifier from the negotiable instrument (col. 12, lines 7-18).

Re claim 18: Templeton does not explicitly teach wherein the terminal further comprises an image scanner for scanning the negotiable instrument so as to obtain the at least one negotiable instrument identifier. Gustin teaches wherein the terminal further comprises an image scanner for scanning the negotiable instrument so as to obtain the at least one negotiable instrument identifier (col. 17, lines 45-46). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Templeton to include this feature as taught by Gustin. One would have been motivated to do so in order to retain a copy of the instrument for tracking/audit purposes.

Re claim 20: See claims 1, 10 and 12 analyses supra.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olabode Akintola whose telephone number is 571-272-3629. The examiner can normally be reached on M-F 8:30AM -5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3691

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OA

A handwritten signature in black ink, appearing to read 'H. Kazimi', with a long horizontal stroke extending to the right.

HANI M. KAZIMI
PRIMARY EXAMINER